

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated January 17, 2007 (hereinafter “Office Action”) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

With respect to the objection to Claim 22, Applicant has amended the claim to indicate that a selection is made using a virtual menu button. Support for these changes may be found, for example, in the Specification at paragraphs [0038] and [0051]; therefore, the changes do not introduce new matter. These changes are also believed to overcome the objection to the claim, and Applicant requests that the objection be removed.

Applicant respectfully traverses the §102(e) rejection of Claims 20-24 as U.S. Publication No. 2004/0049779 to Sjoblom *et al.* (hereinafter “Sjoblom”) does not teach or suggest each of the claimed limitations. For example, Sjoblom does not teach or suggest a user terminal that shows information collected on an audience connected to a media system, as claimed in independent Claim 20. While paragraphs 38-43 of Sjoblom discuss obtaining a profile of an audience and using that profile to select and show a subsequent advertisement, there is no teaching or suggestion that the audience profile is shown on the user’s terminal. Paragraph 61 merely discusses how a user may control a broadcast but makes no reference to information about an audience or that information collected about the audience is shown on the user’s terminal. Without a presentation of correspondence to each of the claimed limitations, the §102(e) rejection of Claims 20-24 is improper.

Applicant notes that to anticipate a claim, the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the patent claim; *i.e.* every element of the claimed invention must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. §102. Applicant respectfully submits that

Sjoblom has not been shown to teach or suggest every element of independent Claim 20 and respectfully requests that the rejection be withdrawn.

In addition, dependent Claims 21-24 depend from independent Claim 20 and also stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Sjoblom. While Applicant does not acquiesce with the particular rejection to these dependent claims, the rejection is also improper for the reasons discussed above in connection with independent Claim 20. These dependent claims include all of the limitations of independent Claim 20 and any intervening claims, and recite additional features which further distinguish them from the cited reference. Therefore, the rejection of dependent Claims 21-24 is improper. Applicant accordingly requests that the §102(e) rejection of these claims be withdrawn.

In an effort to facilitate prosecution and without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter, Applicant has amended independent Claims 1, 11, 25 and 27 to include limitations of dependent Claims 4, 14, 26 and 28, respectively. As the added limitations were present in the original claims, the changes do not introduce new matter. Each of the pending claims is believed to be patentable over the asserted references for the reasons set forth below.

Contrary to the Examiner's assertions and consistent with the above discussion of Claim 20, U.S. Publication No. 2004/0049779 to Sjoblom *et al.* (hereinafter "Sjoblom") does not teach or suggest that collected information on an audience connected to a media system is shown on the screen of a user terminal and/or a broadcaster's terminal, as previously claimed in Claims 4, 14, 26 and 27 (and now claimed in each of the independent claims). For example, the relied upon portions of Sjoblom (paragraphs 57 and 62) do not make any mention of information collected on an audience. Rather, the information discussed in paragraphs 57 and 62 is content associated with a television channel or television program. Again, while the discussion at paragraphs 39-43 refers to using a profile of an audience to select a subsequent advertisement, there is no teaching or suggestion that the profile information would be shown on the screen of the user's terminal or on a broadcaster's terminal. Thus, as Sjoblom does not teach or suggest the claim

limitations directed to showing collected information on an audience, Applicant requests that the §102(e) rejection be withdrawn.

Moreover, with particular respect to dependent Claims 5, 6, 15 and 16, Sjoblom has not been shown to teach or suggest at least templates for showing the collected information being ready-made, stored in a user terminal and modified according to received parallel information or that such templates are sent as parallel information, as claimed. As discussed above, Sjoblom does not teach showing the claimed collected information. In addition, Sjoblom does not teach or suggest that any such templates are stored in a user terminal. Rather, the cited portion at paragraph 11 merely teaches that the URL of a television channel's home page may be pre-stored. There is no suggestion that such URL would correspond to the claimed templates for showing collected information on an audience. Without a presentation of correspondence to each of the claimed limitations, the §102(e) rejection of these dependent claims is improper, and Applicant requests that the rejection be withdrawn.

With respect to the §103(a) rejection of dependent Claims 3 and 13, the further reliance on the teachings of U.S. Publication No. 2003/0006911 to Smith *et al.* (hereinafter "Smith") does not overcome the above-discussed deficiencies of Sjoblom. These dependent claims include all of the limitations of their respective base claims (discussed above) and any intervening claims, and recite additional features which further distinguish these claims from the cited references. "If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious." MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As these claims depend from independent Claims 1 and 27, the rejection is believed to be moot in view of the remarks made above in connection with independent Claims 1 and 27. Therefore, dependent Claims 3 and 13 should be allowable over the asserted combination of Sjoblom and Smith.

Applicant has also amended independent Claims 11, 20 and 27 to replace the "means for" language with structural language consistent with at least Fig. 2, Fig. 5, and paragraphs [0025]-[0028] and [0078]-[0096] of the Specification. As such, these changes

do not introduce new matter and the claims are believed to be patentable over the asserted references for the reasons discussed above.

It should also be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.154US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact her at the number below to discuss any issues related to this case.

Respectfully submitted,

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By: 

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